

10/701,550 filed 11/05/2003
Nikiforov et al.
O.A. Reply dated June 12, 2006

REMARKS/ARGUMENTS

Claims 1-9 and 17-28 are pending in the Application. Claims 10-16 have been withdrawn. All of the pending claims have been rejected. Claims 1 and 17 have been amended in this Response. The amendments to claims 1 and 17 are supported in the Application, for example, in paragraphs [0012] and [0078].

1. Claim Rejections – 35 U.S.C. § 112

Claims 1-9 and 17-28 were rejected under 35 USC § 112 as allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Underlying this rejection is the assertion that the term “molecules having multivalent metal cations associated therewith”, which appears in independent claims 1 and 17, represents an overly broad genus. The claims dependent from claims 1 and 17 were rejected because those claims inherently contain the limitations of the independent claims from which they depend.

Applicants believe that the amendments made to independent claims 1 and 17 should alleviate the Examiner's concern about an overly broad genus being claimed. Those independent claims now refer to a specific structure that Applicants have determined will allow the measurement of kinase activity because that structure: (1) preferentially binds to a substrate phosphorylated by a kinase (as opposed to the unphosphorylated substrate) due to the change in electrical charge of the substrate produced by phosphorylation, and (2) has an effect on the level of fluorescence of the substrate when it binds to the phosphorylated substrate. See Application paragraphs [0053], [0078], and [0050]. Since all of the other rejected claims depend from claims 1 and 17, the changes to claims 1 and 17 should place all of the rejected claims in condition for allowance.

10/701,550 filed 11/05/2003
Nikiforov et al.
O.A. Reply dated June 12, 2006

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned attorney.

Respectfully submitted,



Donald R. McKenna
Reg. No. 44,922

CALIPER LIFE SCIENCES, INC.
605 Fairchild Drive
Mountain View, CA 94043
Direct: 650-623-0737
Fax: 650-623-0504
donald.mckenna@caliperls.com

CERTIFICATE OF TRANSMISSION OR MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service as First Class Mail in an envelope addressed to: M/S: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 12, 2006 by Debra Burns.

Signed: _____

